

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

CHARLES SWIFT,

Plaintiff,

vs.

RICHARD KYLER,

Defendant.

8:14-CV-243

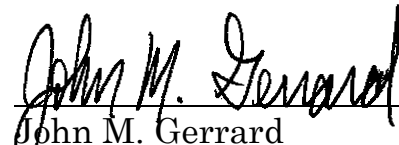
ORDER

This matter is before the Court on the plaintiff's motion (filing [67](#)) to declare a search warrant illegal. That motion will be denied. The plaintiff's claim in this case arises out of his seizure by the defendant on August 8, 2014. *See* filing [1](#). The warrant the plaintiff moves the Court to invalidate is dated, and was apparently executed, on September 17, 2015. *See* filing [67](#). There is, therefore, no "relationship between the injury claimed in the party's motion and the conduct asserted in the complaint." *See Devose v. Herrington*, 42 F.3d 470, 471 (8th Cir. 1994); *see also Owens v. Severin*, 293 F. App'x 425, 425 (8th Cir. 2008). Furthermore, a federal court should abstain from exercising jurisdiction over an ongoing state judicial proceeding. *See Younger v. Harris*, 401 U.S. 37 (1971); *see also, e.g., Norwood v. Dickey*, 409 F.3d 901, 903 (8th Cir. 2005). Therefore,

IT IS ORDERED that the plaintiff's motion (filing [67](#)) is denied.

Dated this 14th day of October, 2015.

BY THE COURT:



John M. Gerrard
United States District Judge